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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,739	04/03/2001	Daniel R. Tretter	10006305-1	4100

7590 06/16/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/825,739	TRETTER ET AL.	
	Examiner	Art Unit	
	Brian Jelinek	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, and 9-13 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☐ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 1/4/2005 of application no. 09/825,739 filed on 4/3/2001 in which claims 1-7, and 9-16 are currently pending.

Drawings

The Examiner thanks the Applicant for correcting the drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. (U.S. Pat. No. 6,606,411) in view of Vailaya ("Content-based Hierarchical Classification of Vacation Images").

Regarding claim 14, Loui discloses classifying images having date and/or time of image capture into events; and analyzing the images within each event by content for grouping the images of similar content together (col. 3, lines 1-6). Loui further discloses a method of categorizing files of non-textual data comprising the steps of: establishing an evaluation system for decision making, including using automated processing

techniques to define a plurality of algorithms, the algorithms utilizing both of content-based data and meta-data, the content-based data corresponding to content information of a file of the non-textual data and the meta-data corresponding to data-capturing settings of a data-capturing device (time) during capture of the file of non-textual data (Fig. 1, s20 and s30); and capturing a file of non-textual subject data (Fig. 1, Images).

Loui does not disclose processing the file of non-textual subject data through the evaluation system for decision making to selectively identify a plurality of classifiers associated with the file of non-textual subject data, said evaluation system including a progression of decisional nodes configured to invoke said algorithms so as to selectively identify said plurality of classifiers; and enabling utilization of said plurality of classifiers identified by said evaluation system for decision making to implement searches for said file via query matching.

However, Vailaya discloses that a set of vacation images (interpreted as an event because the images are captured over a particular time period) may be further grouped into a hierarchical semantic classification based on the content of each image (Fig. 1). One of ordinary skill in the art would have provided the hierarchical semantic classification method in order to further group images of an event (e.g., a vacation) into semantically meaningful classes (Fig. 1). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention have processed the file of non-textual subject data through the evaluation system for decision making to selectively identify a plurality of classifiers associated with the file of non-textual subject data, said evaluation system including a progression of decisional nodes configured to invoke said

algorithms so as to selectively identify said plurality of classifiers (Fig. 1) in order to further group images of an event (e.g., a vacation) into semantically meaningful classes.

Furthermore, Vailaya discloses enabling utilization of said plurality of classifiers identified by said evaluation system for decision making to implement searches for said file via query matching (pg. 518, col. 2, par 1).

Allowable Subject Matter

Claims 1-13, and 15-16 are allowable or would be allowable if rewritten to overcome any and all objections.

Regarding claim 1, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a method for classifying blocks of data comprising the steps of assigning description to contents of said block, including utilizing said meta-data in determining said description by operations within a progression of decisional nodes, in combination with all other limitations of the claim.

Regarding claim 9, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a system for classifying subject data comprising utilizing both said non-textual subject data and said meta-data for identifying at least one classifier, wherein the meta-data is specific to an operational mode of said recording device during capture; and implementing searches via query matching to the identified classifiers.

Regarding claim 15, the reason for allowance is as follows: the prior art does not disclose or fairly suggest said meta-data is identified for each said learning image, said

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meta-data for each said learning image being indicative of operational conditions of said data-capturing device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
6/10/2005


TUAN HO
PRIMARY EXAMINER